

76-2375/5A

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Leg

OLC 76-1614/a

5 JUN 1976

Honorable Bella S. Abzug, Chairwoman
Subcommittee on Government Information and
Individual Rights
Committee on Government Operations
House of Representatives
Washington, D. C. 20515

Dear Madam Chairwoman:

This is in regard to your letter of 4 June 1976, expressing concern as to our letter to the Senate leadership requesting confirmation of our expressed intention to resume destruction of Agency documents.

We have extended the moratorium for six months, to expire on 10 December 1976, as requested by the Senate leadership. Prior to the destruction of any records, we shall transmit to the Senate Select Committee on Intelligence copies of the record schedules which are submitted to the National Archives and Record Service for their approval prior to the destruction of any records. The same will be done with respect to those routine administrative records which, although not involved under S. Res. 21, were withheld from routine destruction during the life of that Resolution.

My letter to the Senate leadership was only a preliminary step to destruction to determine if there is further congressional interest. I wish to make clear that it was never my intention to destroy any documents still subject to Justice Department investigation or relevant to litigation.

I trust that this arrangement satisfies your concerns.

Sincerely,

CRC, 10/06/2003

/s/ George Bush

George Bush
Director

Distribution:

Orig. - Addressee

1 - DCI 1 - DDA

1 - OGC

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Approved For Release 2004/03/11 : CIA-RDP77M00144R000800070023-5

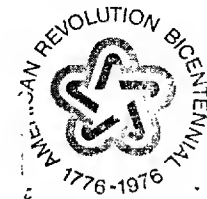
1 - DDI 1 - DDO

1 - Mr. Knoche

1 - OLC/Chrono

OLC:PLC:dla [redacted] typed 14 June 1976

1 - Review Staff



STAT

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EXECUTIVE SECRETARIAT

Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	D/DCI/IC				
4	S/MC				
5	DDS&T				
6	DDI				
7	DDA		X		
8	DDO				
9	D/DCI/NIO				
10	GC				
11	LC	X			
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19	C/IPS				
20	H. Knoche		X		
21					
22					
SUSPENSE		Date			

Remarks:

Please review with DCI.

Two letters attached; one from Chairwoman Abzug and one from Senator Mark Hatfield

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3437 (5-76)

7 June 1976

Date

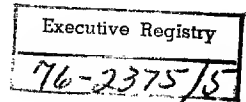
STATINTL

BELLA S. ABZUG, N.Y., ASIAN WOMAN
LEO J. RYAN, CALIF.
JOHN CONYERS, JR., MICH.
TORBERT H. MACDONALD, MASS.
JOHN E. MOSS, CALIF.
MICHAEL HARRINGTON, MASS.
ANDREW MAGUIRE, N.J.
ANTHONY MOFFETT, CONN.

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SAM STEIGER, ARIZ.
CLARENCE J. BROWN, OHIO
PAUL N. MCCLOSKEY, JR., CALIF.
225-3741

NINETY-FOURTH CONGRESS
Congress of the United States
House of Representatives
GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C
WASHINGTON, D.C. 20515



OLC 76-1614

June 4, 1976

Honorable George Bush
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Bush:

This is in connection with your letter of June 2, 1976 to Senate Minority Leader Hugh Scott regarding a request for release from the moratorium on destruction of documents.

I am surprised, in light of your testimony before this Subcommittee on April 28, 1976, that you did not see fit to share with this Subcommittee your request to the Senate leadership. You are, of course, aware of my position, as the principal sponsor of H.R. 12039, that no records which might comprise the subject matter of that legislation be destroyed before the Congress has had an opportunity to pass on it. I am taking this opportunity to reiterate that request and urge that you withdraw your letter to Senator Scott insofar as it affects files which might be covered by H.R. 12039.

Beyond the concerns of this legislation, however, I am surprised that your request is framed as broadly as it is. I would expect that the Senate leadership would have no objection to the resumption of the destruction of "routine administrative records", but I have urged them to reject any request for destruction of records "which were subject to investigation" by the Rockefeller Commission and the Select Committee. This could include records which neither body ever saw, but merely "were subject to" investigation. Your request presumably would include files and records relating to assassinations of foreign leaders and other matters which may be of continuing interest to various Congressional committees.

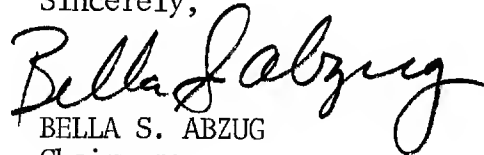
In light of the above, I urge you to rethink your request and to withdraw it.

Honorable George Bush
June 4, 1976

Page 2

In addition, I would ask immediate clarification of the closing comment in your June 2 letter to Senator Scott: "I trust you agree that this action is now necessary and appropriate, and I would appreciate your confirmation of this understanding." Although I disagree with your position, I interpret that statement to mean that you will not act to destroy any document until the Senate leadership has affirmatively responded to your request. Please correct me if your intention is to act prior to such reply.

Sincerely,

A handwritten signature in cursive script, reading "Bella S. Abzug". The signature is written in dark ink and is positioned above the printed name and title.

BELLA S. ABZUG
Chairwoman

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Next 1 Page(s) In Document Exempt

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Honorable Mike Mansfield
United States Senate
Office of the Majority Leader
Washington, D.C. 20510

2 JUN 1976

Dear Senator Mansfield:

On 27 January 1975, following adoption of S. Res. 21 creating the Select Committee on Intelligence, you and Senator Hugh Scott requested that the Central Intelligence Agency "not destroy, remove from [its] possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records or documents pertaining in any way to the matters set out in section 2 of S. Res. 21."

In response to this request, the Agency placed in effect a complete moratorium on the destruction of records, including normal administrative records scheduled for routine destruction.

The purpose of this letter is to advise you that it is our intention to proceed with destruction of records, now that the Select Committee has completed its investigation and issued its final report. We have so advised Senator Church.

Along with the backlog of routine administrative records, the Agency will destroy records which were collected and maintained by the Agency and which were subject to investigation by the Rockefeller Commission and the Select Committee. The Agency is required to destroy much of this latter material by the Privacy Act of 1974 (P. L. 93-579) and by Executive Order 11905. Of course, all records destruction will be fully consistent with other applicable laws, Presidential directives, and the requirements of pending litigation and Justice Department investigations.

I trust you agree that this action is now necessary and appropriate, and I would appreciate your confirmation of this understanding.

I am sending a duplicate of this letter to Senator Hugh Scott.

Sincerely,

SIGNED

George Bush
Director



2 JUN 1976

Honorable Hugh Scott
United States Senate
Office of the Minority Leader
Washington, D.C. 20510

Dear Senator Scott:

On 27 January 1975, following adoption of S. Res. 21 creating the Select Committee on Intelligence, you and Senator Mike Mansfield requested that the Central Intelligence Agency "not destroy, remove from [its] possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records or documents pertaining in any way to the matters set out in section 2 of S. Res. 21."

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The purpose of this letter is to advise you that it is our intention to proceed with destruction of records, now that the Select Committee has completed its investigation and issued its final report. We have so advised Senator Church.

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I trust you agree that this action is now necessary and appropriate, and I would appreciate your confirmation of this understanding.

I am sending a duplicate of this letter to Senator Mike Mansfield.

Sincerely,

SIGNED

George Bush
Director



that some of the envelopes which were photographed were not entered on an index. But this does not change the total figures of the numbers of letters involved. The mail intercept records are still the subject of litigation and therefore will not be destroyed until all this has been resolved in any case.

026761530

26 May 1976

SUMMARY OF CENTRAL INTELLIGENCE AGENCY PROBLEMS
INVOLVED IN DESTRUCTION OR RETENTION
OF IMPROPERLY ACCUMULATED DOCUMENTS OR RECORDS

Subject documents and records may involve Category I activities, defined as cases where positive harm was done to individuals, such as action causing a man to lose his job, and Category II activities, where the wrong was the mere improper creation or holding of a file containing information on an American. The Agency considers that it has no records pertaining to Category I.

No Agency records have been destroyed since 28 January 1975. This moratorium on destruction was based on a joint request of Senators Mansfield and Scott on 27 January 1975. Chairwoman Abzug, on 24 February 1976, requested that our moratorium be extended until the Congress has had an opportunity to act on legislation dealing with this matter. In response to her request, the Director advised Mrs. Abzug that the moratorium would be the subject of discussion by the Agency with Senators Mansfield and Scott, and that destruction of Agency material would be in accordance with Presidential directives and as permitted by law.

For purposes of the moratorium, the records under question fall into two basic groups. The first is routine Agency records, unrelated to allegedly improper activities by the Agency. Approximately nine thousand cubic feet of such records have accumulated during the moratorium and will be destroyed as soon as possible upon the lifting of the moratorium. We are working on records destruction schedules for submission to the National Archives and Records Service in order to receive destruction authorization from the Archivist in accordance with 44 U.S.C. Chapter 33. The second group consists of special files whose creation and retention is considered questionable. These are files on American citizens and are the ones which would be the subject of any additional self-imposed moratorium.

In the second group we have identified 17 kinds of questionable files on Americans which we believe can be destroyed in their entirety when all moratoriums have been lifted. These include such subjects as District of Columbia demonstrators, files on extremists compiled by an Office of Security Regional Office, data on former employees who have authored publications divulging classified information and files on individuals well known at the time of compilation for anti-U.S. broadcasts and other activities abroad. However, the preponderance of such

files on Americans must be retained for the time being because of matters in litigation and criminal investigations being conducted by the Department of Justice. These include all files involving the mail operation, CHAOS, and assassinations. Probably some files on dissident groups will have to be retained for the same reasons. Our review indicates that these files which must be retained probably amount to about ninety percent of our files on Americans which would otherwise be destroyed upon lifting of the moratorium. This figure, of course, excludes the nine thousand cubic feet of routine files.

We have been working with the National Archives and Records Service in preparation for destruction of the improperly held files. The procedures have been worked out and NARS will "walk through" our file destruction schedules when we request authority to destroy, in order to grant that authority with dispatch.

To summarize then, a short, additional, self-imposed moratorium on destruction of improperly accumulated files for perhaps 60 to 90 days, and certainly not beyond the end of the calendar year, will affect only an insignificant proportion of such records. It should not apply to routine records properly created in the ordinary course of business. While the announcement of such a moratorium might induce a flood of new inquiries and particularly FOI requests, this is by no means certain. There is also the possibility of attempts to get restraining orders to enjoin destruction, but it would seem that anybody that seriously concerned would have recognized that destruction might occur soon and would have already taken steps to try to stop it. Of course, there is also the possibility of another attempt by Mrs. Abzug or others to get legislation relating to the files and notification of the subjects. We think these problems are largely offset because very few files will be destroyed for quite some time in any case. The self-imposed moratorium, with public notice, is a good-faith alternative, recognizing the rights of citizens to question the Government about actions it may have taken involving them and should also help to blunt criticism which is almost certain to come in any case when we finally do destroy records which we should not have created in the first place.

OGC:JDM:lsh

STATINTL

Distribution:

- 1 - LDXed to T. Hardy
- White House
- 1 - Mr. Knoche
- 1 - AI/DDA
- 1 - OGC Subj: RECORDS (ni)
- 1 - JDM Signer
- (Prepared in response

to requirement of
25 May ICG meeting)

To: Tim Hardy
Room 109 Old EOB

From:
Acting General Counsel, CIA

LDXed 26 May 1976

OGC 76-3014

4 June 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Abzug Concern With CIA Record Destruction Plans

1. Jim O'Neill, Deputy Archivist, called me this morning to report that late last night Tim Ingram of Congresswoman Abzug's staff called him to discuss the letter Mr. Bush had sent to Senators Scott and Mansfield concerning the destruction of records. Ingram was concerned and thought NARS should be concerned that CIA apparently intends to destroy records contrary to law. Ingram read portions of the letter to O'Neill, who also was not certain that it indicated CIA intentions would be entirely satisfactory to NARS, in particular the matter of CIA compliance with the Federal Records Act. I assured him that of course we are fully aware of that Act and as Mr. Bush's letter indicated our intention is to dispose of records entirely in keeping with all applicable law. Dr. O'Neill indicated he was sure that was our intention. He further suggested that when he receives a copy of Bush's letter, which Ingram had promised to send him, he might want to send to us the draft of a letter from the Archivist to Mr. Bush which would record once again, in an exchange between our two agencies, our assurance to the Archivist that our records destruction program will continue to be in accordance with law. (An exchange of this nature between Archivist Rhoads and Mr. Colby took place some months ago.) I promised to send Dr. O'Neill a copy of the Bush letter also, thinking that it might reach him earlier than the copy from Mr. Ingram.

2. O'Neill has the impression from Ingram that Abzug is quite upset by the Bush letter. Ingram also complained that he had a call in to Mr. Warner and as yet not had a reply. (Sue and Lu have no knowledge of a call from Ingram.) O'Neill said that his own judgment of Ingram is that Ingram probably believes that CIA has engaged in misdeeds and is not above action to destroy the evidence.

3. Ingram told O'Neill that at a recent session at American University a CIAer told him that CIA had two destruction schedules---one that it furnishes to NARS, and a secret one which it really uses.

STATINTL



Associate General Counsel
Chief, General Law Division

cc: OLC
DDA
C/Records Administration Branch/ISAS

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Executive Registry

76-2375/3

FROM:

Legislative Counsel
7D35 HQ

EXTENSION

NO.

DATE

4 June 1976

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

~~Director~~

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15.

The attached material appeared in the 3 June Congressional Record. Representative Abzug has inserted for the record your letter to Senator Scott dated 2 June, in addition to correspondence between DOD and the Congress, all related to destruction of documents. In her remarks, Representative Abzug takes exception to the Agency's position on this matter.

George L. Cary
Legislative Counsel

See her letter